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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

MMC2/1211

PATRICK M. GRIFFIN
DELPHI TECHNOLOGIES INC LEGAL STAFF
PO BOX 5052
MAIL CODE 480 414 420
TROY MI 48067-5052

ART UNIT	PAPER NUMBER
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2802
DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/638,478

Applicant(s)

Hoehn

Examiner

Kyung Lee

Group Art Unit

2832



☒ Responsive to communication(s) filed on Aug 14, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 3-8 and 10-13 is/are allowed.

☒ Claim(s) 1, 2, 9, 14, and 15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All ☐ Some* ☐ None ☐ of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 9 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black, III (5,229,741).

Black, III teaches a resistor assembly 50 affixed to a casing 18 including catches 96 for affixing the resistor to the casing comprising:

a connector 52;

a heat dissipater 12; and

a housing 60 holding the heat dissipater.

Black, III teaches the claimed invention except for the removal of an electrical resistor assembly by breaking a portion of an assembly to access a catch.

One skilled in the art, at the time of the invention, would have found it obvious to break a portion of the resistor assembly to access the catch to remove the assembly from the casing for replacement purposes.

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Regarding a seal, it would have been obvious to provide a leak proof seal for to protect the device from moisture.

Allowable Subject Matter

3. Claims 3-8 and 10-13 are allowed
4. The following is an examiner's statement of reasons for allowance:

The current invention teaches a heat dissipating resistor for controlling the flow of current having a housing, with a catch, for attaching the housing to a blower casing. The catch would be locked in place by a flange in the blower casing.

The prior art of record, neither taken alone nor in combination, does not teach "the housing having at least one breakaway element including a notch for disconnecting the breakaway element from the housing" for providing access to the catch for maintenance and replacement purposes.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lenk, Beam et al., Lee, Zirnheld et al., Feldman and Morris teach a resistor assembly.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Lee whose telephone number is (703) 306-9060.

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DM L. Gilman

KL

December 4, 2000